

Status of Claims

Claims 3-28, 30-155 and 157-163 have been cancelled. Claims 1-2, 29, 156 and 164-168 are pending and their final rejection is appealed; a copy of the claims on appeal is set forth in Claims Appendix.

Status of Amendments

All amendments have been entered.

Summary of Claimed Subject Matter

Independent claim 1 is directed to a composition comprising (a) a drug that is a crystalline highly soluble salt form other than the crystalline hydrochloride salt (page 30, line 23 to page 33, line 2) and (b) a concentration-enhancing polymer selected from cellulose acetate phthalate (CAP), cellulose acetate trimellitate (CAT), hydroxypropyl methyl cellulose phthalate (HPMCP) and hydroxypropyl methyl cellulose acetate succinate (HPMCAS) (page 42, lines 27-31). The drug alone has an aqueous solubility up to about 1 to 2 mg/mL (page 26, line 19), and when it is basic, it has an aqueous solubility of at least twice that of the more soluble of the crystalline hydrochloride salt and the crystalline free base drug form (page 31, line 22). Finally, the composition is not a dispersion (page 11, lines 19-24) and the drug and polymer are present as particles in a dry physical mixture (page 11, lines 2-8).

Independent claim 164 differs from claim 1 by specifying that the polymer is HPMCAS alone (page 58, line 33 to page 59, line 1).